



# PUBLIC AFFAIRS GUIDANCE: RESCINDING THE COVID-19 VACCINATION MANDATE

**Background:** Since the onset of the coronavirus pandemic, the Department of Defense (DoD) has been committed to protecting our Service members, civilian employees, contractor personnel, and families around the globe; safeguarding our national security capabilities; and supporting the whole-of-nation response.

When the U.S. Food and Drug Administration (FDA) granted emergency use authorization (EUA) for COVID-19 vaccines in December 2020, DoD began providing the vaccine to DoD populations on a voluntary basis.

Due to the continuing impacts of the pandemic on Department operations, especially from the highly transmissible Delta variant, Secretary of Defense Lloyd J. Austin III announced on August 9, 2021, his intent to mandate COVID-19 vaccinations for military personnel, either under EUA with presidential waiver or upon formal FDA licensure.

The FDA formally licensed the Pfizer-BioNTech-developed COMIRNATY COVID-19 vaccine on August 23, 2021.

In consultation with medical experts and senior military leaders, on August 24, 2021, Secretary Austin directed the mandatory vaccination of Service members against COVID-19 to protect the Force and defend the American people. He directed the Secretaries of the Military Departments to immediately begin full vaccination of all members of the U.S. Armed Forces under DoD authority on active duty or in the Ready Reserve, including the National Guard, who were not fully vaccinated against COVID-19. The Military Services created their own implementation timelines, with the last deadline being on June 30, 2022, for the Army National Guard and Army Reserves.

The Secretary's August 24, 2021 vaccination mandate allowed for administrative exemption (including religious accommodations, which are a type of administrative exemption) and medical exemption requests. As of December 1, 2022, the Military Services reported that approximately 13,000 Active Duty and 6,000 Reserve Component religious accommodation requests have been adjudicated, with approval rates across all Components as listed: Army 6.04 percent; Navy 1.02 percent; Air Force and Space Force 2.31 percent; Marine Corps 0.52 percent. Approximately 5,000 Active Duty and 12,500

Reserve Component religious accommodation requests are still pending adjudication across all Military Departments.

The Military Departments and Services adjudicated individual requests consistent with uniform standards contained in Departmental policy and established in law, taking into account the nature of the pandemic and medical science at the time the request was made.

As we close out 2022, and nearly three years into the pandemic, the nation is in a stronger place than when the Secretary's August 2021 vaccination mandate was issued. Today, 98 percent of all active-duty Service members and 96 percent of the Total Force are fully vaccinated. We have more tools – vaccinations, boosters, and treatments – to protect the Force from severe illness.

On August 11, 2022, the Centers for Disease Control and Prevention (CDC) stated that the COVID-19 primary series vaccination continues to protect against severe illness, hospitalization, and death, but is less effective against transmission and infection.

On December 23, 2022, President Joseph R. Biden Jr. signed the James M. Inhofe National Defense Authorization Act (NDAA) for Fiscal Year 2023 (FY23) into law. Section 525 of the FY23 NDAA requires the Secretary of Defense to rescind the mandate that members of the U.S. Armed Forces be vaccinated against COVID-19 pursuant to the Secretary's memorandum dated August 24, 2021. The Department will fully implement this requirement.

**Public Affairs Posture:** Active upon the President signing the FY23 NDAA.

**Key Audiences:**

- Service members and their families
- Involuntarily-separated Service members
- Congress
- Military and Veteran support organizations
- U.S. public

**Topline Messages:**

- The Fiscal Year 2023 National Defense Authorization Act (FY23 NDAA) requires that, not later than 30 days after enactment, the Secretary of Defense rescind the mandate that members of the Armed Forces be vaccinated against COVID-19. As a result, the Department will rescind the mandate and is currently in the process of developing further guidance. During this process, we are pausing all actions related to the COVID-19 vaccine mandate. The health and readiness of our Force are crucial to the Department's ability to defend our nation, and Secretary Austin continues to encourage all of our Service members, civilian employees, and contractor personnel to get vaccinated and boosted to ensure the readiness of our Total Force.

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- The Department will fully comply with the law.
- DoD remains committed to the health and safety of the Force and to ensuring we are ready to execute our mission at all times.
- Secretary Austin's August 24, 2021 COVID-19 vaccination mandate was successful in protecting the Force and defending the American people.
- The Secretary has been clear in his support for maintaining the COVID-19 vaccination mandate; however, the Department will fully comply with the NDAA.
- The Department has carefully considered individual requests for religious accommodation for exemption from the COVID-19 vaccination. The Department is committed to our nation's foundational support for religious liberty.
- Our data and analysis do not indicate a strong correlation between the COVID-19 vaccination requirement and our current recruiting challenges. Eligible youth who are not inclined to serve cite a number of issues, including the possibility of physical and emotional/psychological harm, having to leave family and friends, and other career interests, to include attending college.
- DoD will continue to monitor evolving medical and public health circumstances regarding COVID-19 and update guidance as appropriate based on medical science and the operational/mission requirements of the Department.

#### **Talking Points:**

- The COVID-19 vaccine saved lives and helped ensure a healthy and ready Force.
- Since the onset of COVID-19, the Department has worked diligently to inform our Service members on the safety and effectiveness of the COVID-19 vaccines.
- Our approach in engaging our Service members has always been multifaceted, to include addressing specific and individual concerns; using trusted messengers such as health care providers, peers, and first-line leaders; ensuring easy access to vaccination; and allowing individuals the proper time to get the vaccine and recover from any side effects.
- More than 98 percent of active-duty Service members and 96 percent of the Total Force are fully vaccinated.
- DoD will continue to encourage all personnel and family members to stay up to date on their COVID-19 vaccinations, including boosters.
- The COVID-19 vaccines were developed using a range of methods, and are now widely available to Service members to provide options for individuals with medical or religious concerns.
- Since April 2022, the DoD has only had two COVID-related Service member deaths. According to DoD data, on average, we have seen 3.5 greater chance of hospitalization for those who are unvaccinated than for those who are vaccinated. The vaccine mandate has been effective.

#### **Questions and Answers**

#### **DEPLOYMENT**

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**Q: Will Service members ordered to deploy have to be vaccinated against COVID-19? Some countries still require vaccination.**

**A:** The Department is currently considering how to continue to protect Service members against COVID-19 as well as maintain our combat readiness. Some countries, like Japan, require all Service members entering the country to be vaccinated.

#### **DISCHARGES**

**Q: How many Service members have been discharged because of refusal to take the COVID-19 vaccination?**

**A:** As of November 30, 2022, 8,123 Service members have been discharged because of refusing to take the COVID-19 vaccine.

**Q: Have any Service members received an “other than honorable” discharge for refusing to receive the COVID-19 vaccine?**

**A:** No Service members have received an “other than honorable” discharge solely for refusing to receive the COVID-19 vaccine.

**Q: Of those discharged solely for refusing to take the COVID-19 vaccination, what is the breakdown of the characterization of their discharge?**

**A:** All Service members discharged from the Navy received an honorable discharge. As of November 1, 2022, the Army has characterized 85.8 percent of its active component COVID-19 vaccination refusal discharges as General (Under Honorable Conditions); the Air Force has characterized 93.5 percent of its active component COVID-19 vaccination refusal discharges as General (Under Honorable Conditions); and the Marine Corps has characterized 94.1 percent of its active component COVID-19 vaccination refusal discharges as General (Under Honorable Conditions). The remaining discharged Service members received Honorable discharges.

#### **FLU AND OTHER VACCINATION REQUIREMENTS**

**Q: Are all other vaccination requirements still in place? What about the flu shot?**

**A:** All other vaccination requirements are still in effect.

**Q: How many vaccines does DoD require for Service members?**

**A:** DoD currently offers 22 vaccines and requires 18 vaccines – depending on location, CDC recommendations, and job series, etc. – 11 of which are required immediately upon joining the military.

#### **FUTURE COVID OR OTHER VACCINATION MANDATES**

**Q: What if there is another big wave of COVID or a new, dangerous strain emerges? Could the COVID-19 vaccination requirement be reinstated?**

**A:** Current and changing public health conditions will inform how the Department handles COVID-19 vaccination for Service members. We will use the best data available to us in

making these decisions. The health and safety of the Force always comes first in making these decisions.

#### **LITIGATION**

**Q: What's going to happen to all the pending court cases about mandatory COVID-19 vaccinations for Service members?**

**A:** The Department will work with the Department of Justice to assess any impact on litigation. We defer any questions on specific cases to the Department of Justice.

#### **ORIGINAL MANDATE ORDER**

**Q: Was Secretary Austin's original August 2021 mandate order the right decision?**

**A:** Yes. The Secretary stands by his decision to mandate COVID-19 vaccination in August 2021. The vaccine mandate has saved lives and enhanced our readiness.

#### **RECRUITMENT**

**Q: Did the COVID vaccine mandate hurt recruiting efforts?**

**A:** Our data and analysis does not indicate a direct correlation between the COVID-19 vaccination requirement and our current recruiting challenges. Eligible youth who are not inclined to serve cite a number of issues including the possibility of physical injury, possibility of emotional/psychological harm, having to leave family and friends, and other career interests, to include attending college.

#### **REINSTATEMENT, BACK PAY, AND RECORDS**

**Q: Can Service members who were involuntarily separated be reinstated? If yes, what will be the process?**

**A:** All Service members and Veterans may apply at any time to the appropriate Discharge Review Board or Board for Correction for Military/Naval Records if they believe that there is an error or injustice in their records.

**Q: Some members of Congress have indicated they will look next year to support ways to reinstate or provide back pay for Service members who were dismissed for refusing to take the vaccine. Does the Department support this potential legislation?**

**A:** The Department will provide its views on legislation of this nature at the appropriate time and through the appropriate process.

**Q: What happens to adverse actions in military personnel records for current or former Service members who refused to be vaccinated?**

**A:** Uniformed Code of Military Justice actions remain in the Service member's Official Military Personnel File.

**Q: Will Service members separated for refusing to be vaccinated be able to upgrade their discharge?**

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**A:** All Service members and Veterans may apply at any time to the appropriate Discharge Review Board or Board for Correction for Military/Naval Records if they believe that there is an error or injustice in their records.

#### **RELIGIOUS ACCOMMODATION REQUESTS**

**Q: What happens to all the pending religious accommodation requests filed by Service members? Do they just get dropped since the vaccination mandate has been rescinded?**

**A:** With the rescission of the mandate, there is no current requirement to adjudicate requests for religious accommodation from that mandate.

**Q: How many religious accommodation requests have been adjudicated and how many have been granted to date? How many are waiting adjudication?**

**A:** As of December 1, 2022, the Military Services reported that approximately 13,000 Active Duty and 6,000 Reserve Component religious accommodation requests have been adjudicated, with approval rates across all Components as listed:

- Army: 6.04 percent
- Navy: 1.02 percent
- Air Force and Space Force: 2.31 percent
- Marine Corps: 0.52 percent

Approximately 5,000 Active Duty and 12,500 Reserve Component religious accommodation requests are still pending adjudication across all Military Departments.

**Q: How many people were denied their religious accommodation request and subsequently were vaccinated?**

**A:** I do not currently have that data.

#### **SCOPE OF MANDATE REPEAL, HEALTH CARE WORKERS**

**Q: Does the repeal of the mandate apply to all Service members? What about health care workers?**

**A:** The repeal of the mandate would apply to all Service members.

#### **VACCINATION AVAILABILITY**

**Q: Will DoD still continue to offer the COVID-19 vaccination and boosters at its medical facilities?**

**A:** Yes, COVID-19 vaccines, including the updated bivalent booster, will continue to be widely available at DoD military medical treatment facilities. Individuals with a religious concern about a specific vaccine should speak to their health care provider to receive a vaccine that meets their sincerely held beliefs, and the military medical treatment facility will ensure that individual receives that vaccine.

#### **VACCINATION AND COVID-19 CASE NUMBERS**

**Q: Where can I see the most recent COVID-19 case and vaccination numbers?**

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A: COVID-19 case and vaccination numbers, plus other information, are posted to the Defense.gov coronavirus spotlight page. [link here](#)

**References and Resources:**

August 9, 2021, Secretary of Defense [memo](#): “Message to the Force”

August 24, 2021, Secretary of Defense [memo](#): “Mandatory Coronavirus Disease 2019 Vaccination of Department of Defense Service Members”

August 25, 2021, DoD [release](#) “Secretary of Defense Austin Issues Guidance for Mandatory Coronavirus Disease 2019 Vaccination of Department of Defense Service Members”

November 30, 2021, Secretary of Defense [memo](#): “Coronavirus Disease 2019 Vaccination for Members of the National Guard and the Ready Reserve”

Defense.gov coronavirus [spotlight page](#) (includes links to memos, DoD vaccination data chart, and DoD COVID-19 cumulative totals chart)

DoD [Instruction](#) 1300.17 “Religious Liberty in the Military Services”

CDC [COVID-19 page](#)

CDC Aug. 11, 2022, [press release](#): “CDC streamlines COVID-19 guidance to help the public better protect themselves and understand their risk”

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